

RULES FOR 2022 LEGISLATIVE SESSION

Updated 1/14/22 (replaces version dated 12/29/2021)



Rows highlighted in purple are omnibus dockets
Rows highlighted in blue are required 5-year chapter rewrites
Rows highlighted in yellow are ad hoc rule changes

CHAPTER, DOCKET & AUTHORITY	CHAPTER TITLE	EFFECTIVE DATE	DESCRIPTION	PRESENTER	CONTR-VERSAL?	PUBLIC PARTICIPATION
Non-Fee Docket & Chapter Changes						
16-0000-2100	All DHW Non-Fee rules	Sine Die	All the DHW Non-Fee rules that were not reauthorized due to the 2021 Legislature.	Tamara Prisock 208.859.7404 Tamara.prisock@dhw.idaho.gov	No	Public Hearing 11/3/21
16.01.03 Temp Rule Eff. 8/19/21 Board/Joint	EMS – Agency Licensing Requirements	Sine Die	These changes provide a waiver process to allow part-time Advance Life Support or Intermediate Life Support coverage for prehospital ambulances struggling with staffing issues, or agencies that sometimes have personnel available who can offer more advanced patient care services.			Informal Meetings
16.01.05 REWRITE Board/Joint	EMS – Education, Instructor, & Exam Requirements	Sine Die	This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule.			4 Negotiated Rulemakings
16.02.23 REWRITE Director	Indoor Smoking	Sine Die	This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule.			N/A
16.03.06 REWRITE Director	Refugee Medical Assistance	Sine Die	This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule.			Negotiated Rulemaking
16.03.07 REWRITE Board	Home Health Agencies	Sine Die	This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule.			Negotiated Rulemaking
16.03.09 REWRITE Director	Medicaid Basic Plan Benefits	7/1/2021	This rulemaking was conducted to align rules with Idaho statute, to continue flexibilities offered during the COVID emergency declaration, and make changes that contribute to a more robust provider network.			Public Hearing
16.03.10 REWRITE Director	Medicaid Enhanced Plan Benefits	7/1/2021	This rulemaking was conducted to align rules with Idaho statute and to continue flexibilities offered during the COVID emergency declaration.			Public Hearing
16.03.21 REWRITE Board	Developmental Disabilities Agencies	Sine Die	This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule.			6 Negotiated Rulemakings
16.03.23 REWRITE Director	Uniform Assessments for State-Funded Clients	Sine Die	This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule.			N/A
16.05.04	ID Council on Domestic Violence &	Sine Die	This change removed an Incorporation By Reference that was inappropriate for this chapter.			N/A

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Council	Victim Assistance Grant Funding					
16.05.07 REWRITE Director	Investigation & Enforcement of Fraud, Abuse, & Misconduct	Sine Die	This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule.			2 Negotiated Rulemakings
16.06.13 REWRITE Director	Emergency Assistance for Families & Children	Sine Die	This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule.			2 Negotiated Rulemakings
16.07.17 REWRITE Joint	Substance Use Disorder Services	Sine Die	This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule.			2 Negotiated Rulemakings
16.07.39 REWRITE Director	Designated Examiners & Dispositioners	Sine Die	This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule.			2 Negotiated Rulemakings

Non-Fee Chapters with NO changes:

16.01.02, EMS - Rule Definitions	16.03.11, Intermediate Care Facilities for Individuals with Intellectual Disabilities
16.01.06, EMS - Data Collection and Submission Requirements	16.03.13, Consumer-Directed Services
16.01.12, EMS - Complaints, Investigations, and Disciplinary Actions	16.03.14, Hospitals
16.02.02, Idaho EMS Physician Commission	16.03.17, Medicare/Medicaid Coordinated Plan Benefits
16.02.06, Quality Assurance for Idaho Clinical Laboratories	16.03.24, The Medically Indigent Program
16.02.10, Idaho Reportable Diseases	16.03.25, Idaho Medicaid Promoting Interoperability (PI) Program
16.02.11, Immunization Requirements Licensed Daycare Facility Attendees	16.04.14, Low-Income Home Energy Assistance Program (LIHEAP)
16.02.12, Newborn Screening	16.04.17, Residential Habilitation Agencies
16.02.15, Immunization Requirements for Idaho School Children	16.05.01, Use and Disclosure of Department Records
16.02.19, Idaho Food Code	16.05.03, Contested Case Proceedings and Declaratory Rulings
16.02.24, Clandestine Drug Laboratory Cleanup	16.06.05, Alleged Medical Neglect of Disabled Infants
16.03.01, Eligibility for Health Care Assistance for Families and Children	16.06.12, Idaho Child Care Program (ICCP)
16.03.02, Skilled Nursing Facilities	16.07.19, Certification of Peer Support Specialists and Family Support Partners
16.03.04, Idaho Food Stamp Program	16.07.25, Prevention of Minors' Access to Tobacco Products
16.03.05, Eligibility for Aid to the Aged, Blind, and Disabled (AABD)	16.07.33, Adult Mental Health Services
16.03.08, Temporary Assistance for Families in Idaho (TAFI)	16.07.37, Children's Mental Health Services

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Fee Docket & Chapter Changes

16-0000-2100F	All DHW Fee rules	Sine Die	All the DHW Fee rules that were not be reauthorized due to the 2021 Legislature.	Tamara Priscock 208.859.7404 Tamara.priscock@dhw.idaho.gov	No	Public Hearing 11/3/21
16.02.08 REWRITE Board	Vital Statistics Rules	Sine Die	This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule.			Negotiated Rulemaking
16.02.25 REWRITE Director	State Laboratory Fees	Sine Die	This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule.			3 Negotiated Rulemakings
16.02.26 REWRITE Director	Children's Special Health Program	Sine Die	This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule.			2 Negotiated Rulemakings
16.03.22 Regular Rulemaking Board	Residential Assisted Living Facilities	Sine Die	This rulemaking was conducted to reduce regulatory burden by replacing the Informal Dispute Resolution process with alternative steps for facilities to appeal enforcement actions taken against their license, and to clarify which Assistance with Medications course is acceptable to satisfy the staff training requirement for licensure of assisted living facilities.			N/A – main change was made due to court decision
16.06.01 Regular Rulemaking Joint	Child & Family Services	Sine Die	H0336 passed during the 2021 Legislative Session to include Extended Foster Care in 16.06.01. Federal Law 42 U.S.C. 675(8)(B)(iv), provides additional clarity to the requirements for Extended Foster Care. It clarifies & updates age & eligibility requirements and defines "extended foster care" & "child" to ensure alignment across the rule chapter			N/A Complying to statute
16.06.02 Regular Rulemaking Joint	Child Care Licensing	Sine Die	During the 2021 legislative session HB 336 mandated that the Department implement Extended Foster Care for Youth to age 21. This mandate requires a modification to existing definitions in childcare licensing rules to clarify that youth may remain in a licensed foster home until they reach age 21.			N/A Complying to statute

Fee Chapters with NO changes:

- 16.01.07, "Emergency Medical Services (EMS) - Personnel Licensing Requirements"
- 16.02.01 "Idaho Time Sensitive Emergency System Council"
- 16.02.13, "State of Idaho Drinking Water Laboratory Certification Program"
- 16.02.14, "Construction and Operation of Public Swimming Pools"
- 16.02.27, "Idaho Radiation Control Rules"
- 16.03.03 "Child Support Services"

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16.03.18, "Medicaid Cost-Sharing"						
16.03.19, "Certified Family Homes"						
16.04.07 "Fees for State Hospital North and State Hospital South"						
16.05.06, "Criminal History and Background Checks"						
16.07.01, "Behavioral Health Sliding Fee Schedules"						